

IN THE  
**ARIZONA COURT OF APPEALS**  
DIVISION TWO

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THE STATE OF ARIZONA,  
*Appellee,*

*v.*

CRISTOBAL ARCOS-CRUZ,  
*Appellant.*

No. 2 CA-CR 2016-0097  
Filed July 26, 2016

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THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND  
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.

NOT FOR PUBLICATION

*See Ariz. R. Sup. Ct. 111(c)(1); Ariz. R. Crim. P. 31.24.*

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Appeal from the Superior Court in Pinal County  
No. S1100CR201503061  
The Honorable Steven J. Fuller, Judge

**AFFIRMED**

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COUNSEL

Harriette P. Levitt, Tucson  
*Counsel for Appellant*

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**MEMORANDUM DECISION**

Presiding Judge Howard authored the decision of the Court, in which Judge Espinosa and Judge Kelly<sup>1</sup> concurred.

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H O W A R D, Presiding Judge:

¶1 Following a jury trial, appellant Cristobal Arcos-Cruz was convicted of possession of four pounds or more of marijuana for sale. The trial court sentenced him to five years' imprisonment. Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), and *State v. Clark*, 196 Ariz. 530, 2 P.3d 89 (App. 1999), stating she has reviewed the record and has found "no arguable issues" to raise on appeal. Counsel has asked us to search the record for fundamental error. Arcos-Cruz has not filed a supplemental brief.

¶2 Viewed in the light most favorable to sustaining the verdict, the evidence was sufficient to support the jury's finding of guilt. See *State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999). The evidence presented at trial showed Arcos-Cruz was found by law enforcement personnel in a vehicle with a bundle of forty-nine pounds of marijuana and several other people, some of whom, including Arcos-Cruz, were wearing camouflage clothing. Arcos-Cruz admitted to a deputy at the scene that he had carried marijuana into the United States from Mexico. We further conclude the sentence imposed is within the statutory limit. See A.R.S. §§ 13-702(D), 13-3405(A)(2), (B)(6).

¶3 Pursuant to our obligation under *Anders*, we have searched the record for fundamental, reversible error and have

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<sup>1</sup>The Hon. Virginia C. Kelly, a retired judge of this court, is called back to active duty to serve on this case pursuant to orders of this court and our supreme court.

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found none. *See State v. Fuller*, 143 Ariz. 571, 575, 694 P.2d 1185, 1189 (1985) (*Anders* requires court to search record for fundamental error). Therefore, Arcos-Cruz's conviction and sentence are affirmed.